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102D CONGRESS
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SENATE

REPORT
102-182

AUTHORIZING INCLUSION OF A TRACT OF LAND IN THE GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA

OCTOBER 8 (legislative day, SEPTEMBER 19), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 870]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 870) to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

On page 1, lines 6 through 10, strike "bearing San Mateo" through the end of the sentence and insert in lieu thereof "as generally depicted on a map entitled "Phleger Estate Addition—Golden Gate National Recreation Area" and dated September, 1991.

PURPOSE OF THE MEASURE

The purpose of S. 870, as ordered reported, is to authorize the Secretary of the Interior to acquire by donation approximately 1,300 acres of land for inclusion in the Golden Gate National Recreation Area in California.

BACKGROUND AND NEED

Near the southern tip of the San Francisco Bay lies a 1,300 acre parcel of undeveloped land, containing a second growth forest of redwood, Douglas fir, madrone, and oak trees. The land is home to a variety of wildlife, including mountain lions, bobcats, deer, and coyotes. The property was owned and protected for 55 years by

S313-27.

Herman and Mary Elena Phleger. The land is one of the last remaining links needed for the completion of the Bay Area Ridge Trail, a 400-mile hiking trail through all nine counties surrounding the San Francisco Bay.

The estate of Mr. and Mrs. Phleger is seeking to dispose of the property in order to pay estate taxes, estimated at approximately $13.7 million. S. 870 would authorize the addition of this property to the Golden Gate National Recreation Area by donation.

The estate has offered to sell the property to the Peninsula Open Space Trust for $25 million, which would then donate the property to the Federal Government. The Trust has raised approximately $12 million for the purchase to date. The fair market value of the 1,300 acre parcel is estimated at approximately $30 million.

LEGISLATIVE HISTORY

S. 870 was introduced by Senators Cranston and Seymour on April 18, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on July 25, 1991.

At the business meeting on September 25, 1991, the Committee on Energy and Natural Resources ordered S. 870, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on September 25, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 870, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford*	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici	
Mr. Murkowski*	
Mr. Nickles*	
Mr. Burns	
Mr. Craig	
Mr. Seymour	
Mr. Garn*	

*Indicates voted by proxy.

COMMITTEE AMENDMENT

During the consideration of S. 870, the Committee adopted a clarifying amendment. The amendment simply replaces the description of the property by referencing San Mateo County Assessor's property numbers with a single map reference. The amendment does not change either the acreage or boundaries of the Phleger parcel proposed for addition to the National Recreation Area.

SUMMARY OF S. 870

S. 870 authorizes the Secretary of the Interior to acquire by donation the 1,300 acre parcel of land known as the Phleger Estate. Upon acquisition of the property, and after publication of notice in the Federal Register, the Secretary is directed to revise the boundaries of the Golden Gate National Recreation Area to reflect the inclusion of the property.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 27, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 870, a bill to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California, as ordered reported by the Senate Committee on Energy and Natural Resources on September 25, 1991. CBO estimates that enacting this bill would result in no significant costs to the federal government or to state or local governments. Because the bill would not affect direct spending or receipts, there would be no pay-as-you-go scoring under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 870 would authorize the Secretary of the Interior to acquire, by donation, about 1,300 acres of land in San Mateo County, California to be incorporated into the Golden Gate National Recreation Area. Based on information from the National Park Service, we estimate that inclusion of these lands into the recreation area would not significantly increase federal costs.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 870. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 870, as ordered reported.

EXECUTIVE COMMUNICATIONS

On July 12, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 870. These reports had not been received at the time the report on S. 870 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

> Mr. Chairman, I am pleased to provide comments on S. 870, a bill to authorize acquisition of the Phleger Property in San Mateo County, California, for inclusion in Golden Gate National Recreation Area. The bill authorizes acquisition of the property by donation only.
>
> We have no objection to the enactment of S. 870, possibly resulting in the donation of the property. If the bill were enacted we would update the planning documents for the National Recreation Area to determine the need for and potential park uses of this property.

The Phleger Estate encompasses 1,300 acres adjacent to the southern end of the Gold Gate National Recreation Area. The property boasts an impressive view from the San Andreas Fault Valley westward toward the forested ridge of the near-pristine expanses of the San Francisco watershed and in the distance Sweeney Ridge. Today the estate is an integral part of this spectacular view—heightened in importance by the close proximity of dense urban development.

> The principal vegetative cover on the property is redwood forest. Logging occurred there more than 100 years ago, and the trees are largely second-growth, however trees of considerable stature are reestablished. Also the site contains numerous single old-growth specimens missed during logging operations. Redwoods occur to a relatively limited extent within the current Golden Gate boundaries. Redwoods do not exist in proximity to any other major urban areas.

Thus, in terms of its value as a scenic addition to the recreation area and its potential for outdoor recreation use, we believe the property has potential as an addition to the recreation area. We have done no studies however, on which to base a positive recommendation that the land be added to the area.

We note that the authority to accept the property is discretionary. If our planning indicates that the to be donated land would not be an appropriate addition, we would not accept it.

This concludes my prepared remarks. I would be pleased to answer any questions the Committee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 870, as ordered reported.

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